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DEQ-Office of Environmental  
Impact Review

# COMMONWEALTH of VIRGINIA

## CHESAPEAKE BAY LOCAL ASSISTANCE DEPARTMENT

W. Tayloe Murphy, Jr.  
Secretary of Natural Resources

James Monroe Building  
101 North 14th Street, 17th Floor  
Richmond, Virginia 23219  
FAX: (804) 225-3447  
September 9, 2002

C. Scott Crafton  
Acting Executive Director  
  
(804) 225-3440  
1-800-243-7229 Voice/TDD

Ms. Anne B. Newsom  
Department of Environmental Quality  
Office of Environmental Impact Review  
629 East Main Street, Sixth Floor  
Richmond, VA 23219

**RE: Demonstration of the Manufactured Aggregate Processing Technology  
CBLAD Project Review No. FSPR-DOE-01-02**

Dear Ms. Newsom:

As you requested, we have reviewed the Environmental Assessment (EA) for the proposed commercial demonstration project of the manufactured aggregate processing technology utilizing spray dryer ash. Provided the performance criteria of the Chesapeake Bay Preservation Area Designation and Management Regulations (Regulations) are followed, including the stormwater quality provisions, the project should be consistent with the Regulations. From information contained in the EA document, it appears that the project proponent is cognizant of the stormwater requirements and the fact that there is a nearby Resource Protection Area (RPA), which must be avoided. We recommend that the RPA boundary be flagged in this area so that there is no inadvertent encroachment into this area.

We appreciate the opportunity to provide our comments on this project. Please do not hesitate to contact us at 1-800-CHESBAY should you have any questions.

Sincerely,

Catherine M. Harold  
Environmental Engineer

Nancy Miller  
Senior Planner

Cc: Scott Crafton, CBLAD  
Shawn E. Smith, CBLAD

If you cannot meet the deadline, please notify ANNE B. NEWSOM at 804/698-4135 prior to the date given. Arrangements will be made to extend the date for your review if possible. An agency will not be considered to have reviewed a document if no comments are received (or contact is made) within the period specified.

REVIEW INSTRUCTIONS:

- A. Please review the document carefully. If the proposal has been reviewed earlier (i.e. if the document is a federal Final EIS or a state supplement), please consider whether your earlier comments have been adequately addressed.
- B. Prepare your agency's comments in a form which would be acceptable for responding directly to a project proponent agency.
- C. Use your agency stationery or the space below for your comments. IF YOU USE THE SPACE BELOW, THE FORM MUST BE SIGNED AND DATED.


Please return your comments to:

MS. ANNE B. NEWSOM  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL IMPACT REVIEW  
629 EAST MAIN STREET, SIXTH FLOOR  
RICHMOND, VA 23219  
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AUG 29 2002

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Anne B. Newsom  
Environmental Program Planner

COMMENTS

*If the proposed potable water well will serve 25 or more persons 60+ days/year it is classified as a public water system, and must be permitted by the Virginia Dept of Health. The applicant should contact VDH's Culpeper Engineering Field Office for additional information on well siting, construction, etc.*

(signed) A. E. Douglas (date) 8-26-02  
(title) acting Field Services Engineer  
(agency) Virginia Dept. of Health

PROJECT #02-163F

8/98


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- 17934
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FAX #804/698-4319

  
Anne B. Newsom  
Environmental Program Planner

COMMENTS

We do not anticipate any adverse impacts to species under our jurisdiction

(signed) Raymond T. Farnell (date) 9/12/02  
(title) Environmental Manager  
(agency) Department of Game and Inland Fisheries

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Environmental Program Planner

COMMENTS

Statements in the project document concerning endangered species were reviewed and compared to available information. Correspondence with state agencies responsible for preservation of endangered species is lacking. Expansion of construction activity into adjacent wooded area for staging areas, etc., may affect listed species. Precautions should be taken to avoid such activity.

(signed)  (Keith R. Tignor) (date) September 10, 2002  
(title) Endangered Species Coordinator  
(agency) VDACS, Office of Plant and Pest Service

W. Tayloe Murphy, Jr.  
Secretary of Natural  
Resources



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SEP 12 2002

DEQ-Office of Environmental  
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Joseph H. Maroon  
Director

COMMONWEALTH of VIRGINIA  
DEPARTMENT OF CONSERVATION AND RECREATION

203 Governor Street  
Richmond, Virginia 23219-2010  
TDD (804) 786-2121

MEMORANDUM

DATE: 10 September 2002  
TO: Charles H. Ellis, III, Virginia Department of Environmental Quality  
FROM: Derral Jones, Planning Bureau Manager  
SUBJECT: DEQ#02-163F: Commercial Demonstration of the Manufactured  
Aggregate Processing Technology Utilizing Spray Dryer Ash

The Department of Conservation and Recreation (DCR) has searched its Biological and Conservation Data System (BCD) for occurrences of natural heritage resources from the area outlined on the submitted map. Natural heritage resources are defined as the habitat of rare, threatened, or endangered plant and animal species, unique or exemplary natural communities, and significant geologic formations.

BCD documents the presence of natural heritage resources in the project vicinity. However, due to the scope of the activity and the distance to the resources, we do not anticipate that this project will adversely impact these natural heritage resources.

Under a Memorandum of Agreement established between the Virginia Department of Agriculture and Consumer Services (VDACS) and the Virginia Department of Conservation and Recreation (DCR), DCR represents VDACS in comments regarding potential impacts on state-listed threatened and endangered plant and insect species. The current activity will not affect any documented state-listed plants or insects.

Any absence of data may indicate that the project area has not been surveyed, rather than confirm that the area lacks natural heritage resources. New and updated information is continually added to BCD. Please contact DCR for an update on this natural heritage information if a significant amount of time passes before it is utilized.

Lastly, the proposed project is not anticipated to have any adverse impacts on existing or planned recreational facilities. Nor will it impact any streams on the National Park Service Nationwide Inventory, Final List of Rivers, potential Scenic Rivers or existing or potential State Scenic Byways. Please contact DCR for an update on this information if a significant amount of time passes before it is utilized.

Thank you for the opportunity to offer comments on this project.

*An Agency of the Natural Resources Secretariat*

DEPARTMENT OF ENVIRONMENTAL QUALITY  
DIVISION OF AIR PROGRAM COORDINATION

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ENVIRONMENTAL REVIEW REPORT APPLICABLE TO AIR QUALITY

SEP 06 2002

TO: Anne B. Newsom

DEQ-OEIA PROJECT NUMBER: 02-163F

DEQ Office of Environmental  
Impact Review

PROJECT TYPE: ☐ STATE EAEIR/FONSI ☒ FEDERAL EAEIS ☐ SCC  
☐ CONSISTENCY DETERMINATION/CERTIFICATION

PROJECT TITLE: COMMERCIAL DEMONSTRATION OF THE MANUFACTURED AGGREGATE  
PROCESSING TECHNOLOGY UTILIZING SPRAY DRYER ASH

PROJECT SPONSOR: DEPARTMENT OF ENERGY

PROJECT LOCATION: ☐ OZONE NON-ATTAINMENT AREA  
☐ OZONE MAINTENANCE AREA  
☐ STATE VOLATILE ORGANIC COMPOUNDS & NITROGEN  
OXIDES EMISSION CONTROL AREA

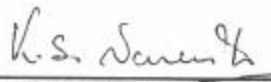
REGULATORY REQUIREMENTS MAY BE APPLICABLE TO: ☒ CONSTRUCTION  
☒ OPERATION

STATE AIR POLLUTION CONTROL BOARD REGULATIONS THAT MAY APPLY:

1. ☐ 9 VAC 5-40-5200 C & 9 VAC 5-40-5220 E – STAGE I
2. ☐ 9 VAC 5-40-5200 C & 9 VAC 5-40-5220 F – STAGE II Vapor Recovery
3. ☐ 9 VAC 5-40-5490 et seq. – Asphalt Paving operations
4. ☒ 9 VAC 5-40-5600 et seq. – Open Burning
5. ☒ 9 VAC 5-50-60 et seq. Fugitive Dust Emissions
6. ☐ 9 VAC 5-50-130 et seq. – Odorous Emissions; Applicable to
7. ☐ 9 VAC 5-50-160 et seq. – Standards of Performance for Toxic Pollutants
8. ☐ 9 VAC 5-50-400 Subpart \_\_\_\_\_, Standards of Performance for New Stationary Sources, designates standards of performance for the
9. ☐ 9 VAC 5-80-10 et seq. of the regulations – Permits for Stationary Sources
10. ☐ 9 VAC 5-80-1700 et seq. Of the regulations – Major or Modified Sources located in PSD areas. This rule may be applicable to the
11. ☐ 9 VAC 5-80-2000 et seq. of the regulations – New and modified sources located in non-attainment areas
12. ☐ 9 VAC 5-80-800 et seq. Of the regulations – Operating Permits and exemptions. This rule may be applicable to

COMMENTS SPECIFIC TO THE PROJECT:

For any permit requirement that is needed (it is expected that the plant would continue operation beyond the demonstration period), our Northern Virginia Regional Office may be contacted.

  
(Kotur S. Narasimhan)  
Office of Air Data Analysis

September 6, 2002

**Newsom, Anne**

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**From:** Michael Foreman  
**Sent:** Monday, September 16, 2002 4:28 PM  
**To:** Newsom, Anne  
**Subject:** RE: DEQ # 02-163F

No comment on this project. Sorry for the lateness of this message.  
JMF

-----Original Message-----

From: Newsom, Anne [mailto:abnewsom@deq.state.va.us]  
Sent: Friday, September 13, 2002 9:13 AM  
To: Keith Tignor (E-mail); Mike Foreman (E-mail); Catherine Harold (E-mail); Steve Manster (E-mail)  
Subject: DEQ # 02-163F

Reviewers,

The Office of Environmental Impact Review is finishing its review period for the following project:

Commercial Demonstration of the Manufactured Aggregate Processing Technology Utilizing Spray Dryer Ash  
(comments due September 10, 2002)

If you would like to participate in the review, I need comments from you on your letterhead.

Thank you. If you have any questions, please email me or give me a call.

Anne

Anne Newsom  
629 East Main Street  
Richmond, Virginia 23219  
(804) 698-4135  
(804) 698-4319 (fax)

2002-1201


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RICHMOND, VA 23219  
FAX #804/698-4319

  
Anne B. Newsom  
Environmental Program Planner

COMMENTS

We have previously commented that no historic properties will be affected by this project.

(signed)  (date) 8.27.02  
(title) Archaeologist & Historian  
(agency) DHR

King George County, Virginia



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SEP 10 2002

DEQ-Office of Environmental  
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A. TRAVIS QUESENBERY, P. E.  
COUNTY ENGINEER

COUNTY ENGINEER'S OFFICE  
10459 Courthouse Drive, Suite 201  
King George, Va. 22485  
Telephone: (540) 775-1657  
Fax: (540) 775-5560

August 30, 2002

Ms. Anne B. Newsom  
Department of Environmental Quality  
Office of Environmental Impact Review  
629 East Main Street, Sixth Floor  
Richmond, VA 23129

Re: Draft Environmental Assessment - Commercial Demonstration of the Manufactured  
Aggregate Processing Technology Utilizing Spray Dryer Ash, King George County,  
Virginia; Project 02-163F

Dear Ms. Newsom,

At its meeting on July 9, 2002 the King George County Planning Commission took action on the rezoning request of the Mirant Birchwood Power Facility and their request to amend the existing Special Exception Permit. The purpose of the rezoning and amendment was to allow Universal Aggregates, LLC to use the fly and bottom ash produced as a residual of the electric production process of the coal fired power plant to manufacture a lightweight aggregate. The Planning Commission approved the rezoning request, with proffers, and the amendment to the Special Exception Permit and forwarded the case to the King George County Board of Supervisors with a recommendation for approval. At its August 21, 2002 meeting the King George Board of Supervisors approved the rezoning request, with proffers, and the amendment to the Special Exception Permit.

Copies of minutes of the Planning Commission and Board of Supervisors meetings are attached, as are copies of the Proffer Statement and Special Exception Permit.

Sincerely,

A handwritten signature in dark ink, appearing to read "A. Travis Quesenberry".

A. Travis Quesenberry, P.E.  
County Engineer

Cc: Mr. Dennis Kerns, County Administrator  
Mr. Jack Green, Director of Community Development



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 10009, Richmond, Virginia 23240

Fax (804) 698-4500 TDD (804) 698-4021

www.deq.state.va.us

W. Tayloe Murphy, Jr.  
Secretary of Natural Resources

Robert G. Burnley  
Director

(804) 698-4000  
1-800-592-5482

### MEMORANDUM

TO: Anne Newsom

FROM: Thomas Modena *Jdm*

DATE: August 28, 2002

COPIES: Kevin Greene

SUBJECT: Environmental Assessment  
Commercial Demonstration of the Manufactured Aggregate Processing  
Technology Utilizing Spray Dryer Ash

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DEQ-Office of Environmental  
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The Office of Remedial Programs has reviewed the Environmental Assessment for the Commercial Demonstration of the Manufactured Aggregate Processing Technology Utilizing Spray Dryer Ash, Prince George County. We have the following comments concerning the waste issues associated with this project.

The report addressed hazardous waste sites and issues, but solid waste sites and issues were not addressed. The central office of the Waste Division did a cursory review of its data files and did not find any sites that might impact this project.

The VDEQ solid waste staff said that the spray dryer ash is excluded from classification as a solid waste because of its beneficial use in accordance with section 9VAC 20-80-150.E.2a(8) in the Virginia Solid Waste Management Regulations (VSWMR). However, storage of the ash feed stock needs to be addressed to assure that it is done in accordance with state regulations.

Since this is a construction project, any soil that is suspected of contamination or wastes that are generated must be tested and disposed of in accordance with applicable Federal, State, and local laws and regulations. Some of the applicable state laws and regulations are: Virginia Waste Management Act, Code of Virginia Section 10.1-1400 *et seq.*; Virginia Hazardous Waste Management Regulations (VHWMR) (9VAC 20-60); VSWMR (9VAC 20-80); Virginia Regulations for the Transportation of Hazardous Materials (9VAC

and Recovery Act (RCRA), 42 U.S.C. Section 6901 *et seq.*, and the applicable regulations contained in Title 40 of the Code of Federal Regulations; and the U.S. Department of Transportation Rules for Transportation of Hazardous Materials, 49 CFR Parts 107, 171.1-172.558.

Finally, pollution prevention was not addressed in the report. VDEQ encourages all construction projects and facilities to implement pollution prevention principles, including the reduction, reuse, and recycling of all solid wastes generated.

If you have any questions or need further information, please let me know.